



Postal Registration No. N. E.—771/2006-2008

# The Gazette of Meghalaya

PUBLISHED BY AUTHORITY

No. 13 Shillong, Thursday, August 15, 2019 24th Sravana, 1941 (S. E.)

*Separate paging is given on this part in order that it may be filed as a separate compilation.*

## PART-VII

### GOVERNMENT OF MEGHALAYA NOTIFICATIONS

The 13th December, 2018.

**No.LL (B). 75/2015/180.** - The following Acts passed by the Parliament and assented by the President of India and published in the Gazette of India, Extra-Ordinary, Part II, Section I on the date indicated below are hereby republished for general information.

Sl. No.	Name of Act	Act No. & Year	Date of publication in the Gazette of India
5.	The Specific Relief (Amendment) Act, 2018	Act No. 18 of 2018	01. 08. 2018
6.	The Negotiable Instruments (Amendment) Act, 2018	Act No. 20 of 2018	02. 08. 2018
7.	The Requisitioning and Acquisition of Immovable Property (Amendment) Act, 2018	Act No. 21 of 2018	09. 08. 2018
8.	The Constitution (One hundred and Second (Amendment) Act, 2018	-	11. 08. 2018

**THE SPECIFIC RELIEF (AMENDMENT) ACT, 2018****An****Act***further to amend the Specific Relief Act, 1963.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Specific Relief (Amendment) Act, 2018.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

47 of 1963.

2. In section 6 of the Specific Relief Act, 1963 (hereinafter referred to as the principal Act), in sub-section (1), after the words “he or any person”, the words “through whom he has been in possession or any person” shall be inserted.

Amendment of  
section 6.

3. For section 10 of the principal Act, the following section shall be substituted, namely:—

Substitution of  
new section for  
section 10.

“10. The specific performance of a contract shall be enforced by the court subject to the provisions contained in sub-section (2) of section 11, section 14 and section 16.”

Specific  
performance in  
respect of  
contracts.

Amendment of section 11.	4. In section 11 of the principal Act, in sub-section (1), for the words "contract may, in the discretion of the court", the words "contract shall" shall be substituted.	5 of 1908.
Substitution of new sections for section 14.	5. For section 14 of the principal Act, the following sections shall be substituted, namely:—	
Contracts not specifically enforceable.	<p>“14. The following contracts cannot be specifically enforced, namely:—</p> <p>(a) where a party to the contract has obtained substituted performance of contract in accordance with the provisions of section 20;</p> <p>(b) a contract, the performance of which involves the performance of a continuous duty which the court cannot supervise;</p> <p>(c) a contract which is so dependent on the personal qualifications of the parties that the court cannot enforce specific performance of its material terms; and</p> <p>(d) a contract which is in its nature determinable.</p>	
Power of court to engage experts.	<p>14A. (1) Without prejudice to the generality of the provisions contained in the Code of Civil Procedure, 1908, in any suit under this Act, where the court considers it necessary to get expert opinion to assist it on any specific issue involved in the suit, it may engage one or more experts and direct to report to it on such issue and may secure attendance of the expert for providing evidence, including production of documents on the issue.</p> <p>(2) The court may require or direct any person to give relevant information to the expert or to produce, or to provide access to, any relevant documents, goods or other property for his inspection.</p> <p>(3) The opinion or report given by the expert shall form part of the record of the suit; and the court, or with the permission of the court any of the parties to the suit, may examine the expert personally in open court on any of the matters referred to him or mentioned in his opinion or report, or as to his opinion or report, or as to the manner in which he has made the inspection.</p> <p>(4) The expert shall be entitled to such fee, cost or expense as the court may fix, which shall be payable by the parties in such proportion, and at such time, as the court may direct.”.</p>	
Amendment of section 15.	<p>6. In section 15 of the principal Act, after clause (f), the following clause shall be inserted, namely:—</p> <p>“(fa) when a limited liability partnership has entered into a contract and subsequently becomes amalgamated with another limited liability partnership, the new limited liability partnership which arises out of the amalgamation.”.</p>	
Amendment of section 16.	<p>7. In section 16 of the principal Act,—</p> <p>(i) for clause (a), the following clause shall be substituted, namely:—</p> <p>“(a) who has obtained substituted performance of contract under section 20; or”;</p> <p>(ii) in clause (c),—</p> <p>(I) for the words “who fails to aver and prove”, the words “who fails to prove” shall be substituted;</p> <p>(II) in the <i>Explanation</i>, in clause (ii), for the words “must aver”, the words “must prove” shall be substituted.</p>	

8. In section 19 of the principal Act, after clause (c), the following clause shall be inserted, namely:—

**Amendment of section 19.**

“(ca) when a limited liability partnership has entered into a contract and subsequently becomes amalgamated with another limited liability partnership, the new limited liability partnership which arises out of the amalgamation.”.

9. For sub-heading “*Discretion and powers of Court*” occurring after section 19, the sub-heading “*Substituted performance of contracts, etc.*” shall be substituted.

**Amendment of sub-heading under Chapter II.**

10. For section 20 of the principal Act, the following sections shall be substituted, namely:—

**Substitution of new sections for section 20.**

9 of 1872.

“20. (1) Without prejudice to the generality of the provisions contained in the Indian Contract Act, 1872, and, except as otherwise agreed upon by the parties, where the contract is broken due to non-performance of promise by any party, the party who suffers by such breach shall have the option of substituted performance through a third party or by his own agency, and, recover the expenses and other costs actually incurred, spent or suffered by him, from the party committing such breach.

**Substitution performance of contract.**

(2) No substituted performance of contract under sub-section (1) shall be undertaken unless the party who suffers such breach has given a notice in writing, of not less than thirty days, to the party in breach calling upon him to perform the contract within such time as specified in the notice, and on his refusal or failure to do so, he may get the same performed by a third party or by his own agency:

Provided that the party who suffers such breach shall not be entitled to recover the expenses and costs under sub-section (1) unless he has got the contract performed through a third party or by his own agency.

(3) Where the party suffering breach of contract has got the contract performed through a third party or by his own agency after giving notice under sub-section (1), he shall not be entitled to claim relief of specific performance against the party in breach.

(4) Nothing in this section shall prevent the party who has suffered breach of contract from claiming compensation from the party in breach.

20A. (1) No injunction shall be granted by a court in a suit under this Act involving a contract relating to an infrastructure project specified in the Schedule, where granting injunction would cause impediment or delay in the progress or completion of such infrastructure project.

**Special provisions for contract relating to infrastructure project.**

*Explanation.*—For the purposes of this section, section 20B and clause (ha) of section 41, the expression “infrastructure project” means the category of projects and infrastructure Sub-Sectors specified in the Schedule.

(2) The Central Government may, depending upon the requirement for development of infrastructure projects, and if it considers necessary or expedient to do so, by notification in the Official Gazette, amend the Schedule relating to any Category of projects or Infrastructure Sub-Sectors.

(3) Every notification issued under this Act by the Central Government shall be laid, as soon as may be after it is issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

**Special Courts.**

20B. The State Government, in consultation with the Chief Justice of the High Court, shall designate, by notification published in the Official Gazette, one or more Civil Courts as Special Courts, within the local limits of the area to exercise jurisdiction and to try a suit under this Act in respect of contracts relating to infrastructure projects.

**Expeditious disposal of suits.**

20C. Notwithstanding anything contained in the Code of Civil Procedure, 1908, a suit filed under the provisions of this Act shall be disposed of by the court within a period of twelve months from the date of service of summons to the defendant:

5 of 1908.

Provided that the said period may be extended for a further period not exceeding six months in aggregate after recording reasons in writing for such extension by the court.”.

**Amendment of section 21.**

11. In section 21 of the principal Act, in sub-section (1), for the words “, either in addition to, or in substitution of,” the words “in addition to” shall be substituted.

**Amendment of section 25.**

12. In section 25 of the principal Act, for the words and figures “the Arbitration Act, 1940”, the words and figures “the Arbitration and Conciliation Act, 1996” shall be substituted.

10 of 1940.  
26 of 1996.**Amendment of section 41.**

13. In section 41 of the principal Act, after clause (h), the following clause shall be inserted, namely:—

“(ha) if it would impede or delay the progress or completion of any infrastructure project or interfere with the continued provision of relevant facility related thereto or services being the subject matter of such project.”.

**Insertion of Schedule.**

14. After Part III of the principal Act, the following Schedule shall be inserted, namely:—

**‘THE SCHEDULE**

[See sections 20A and 41 (ha)]

**Category of projects and Infrastructure Sub-Sectors**

Sl. No.	Category	Infrastructure Sub-Sectors
1	2	3
1.	Transport	<p>(a) Road and bridges</p> <p>(b) Ports (including Capital Dredging)</p> <p>(c) Shipyards (including a floating or land-based facility with the essential features of waterfront, turning basin, berthing and docking facility, slipways or ship lifts, and which is self-sufficient for carrying on shipbuilding/repair/breaking activities)</p> <p>(d) Inland Waterways</p> <p>(e) Airports</p> <p>(f) Railway Track, tunnels, viaducts, bridges, terminal infrastructure including stations and adjoining commercial infrastructure</p> <p>(g) Urban Public Transport (except rolling stock in case of urban road transport)</p>

1	2	3
2.	Energy	<ul style="list-style-type: none"> <li>(a) Electricity Generation</li> <li>(b) Electricity Transmission</li> <li>(c) Electricity Distribution</li> <li>(d) Oil pipelines</li> <li>(e) Oil/Gas/Liquefied Natural Gas (LNG) storage facility (including strategic storage of crude oil)</li> <li>(f) Gas pipelines (including city gas distribution network)</li> </ul>
3.	Water and Sanitation	<ul style="list-style-type: none"> <li>(a) Solid Waste Management</li> <li>(b) Water supply pipelines</li> <li>(c) Water treatment plants</li> <li>(d) Sewage collection, treatment and disposal system</li> <li>(e) Irrigation (dams, channels, embankments, etc.)</li> <li>(f) Storm Water Drainage System</li> <li>(g) Slurry pipelines</li> </ul>
4.	Communication	<ul style="list-style-type: none"> <li>(a) Telecommunication (Fixed network including optic fibre/wire/cable networks which provide broadband/ internet)</li> <li>(b) Telecommunication towers</li> <li>(c) Telecommunications and Telecom Services</li> </ul>
5.	Social and Commercial Infrastructure	<ul style="list-style-type: none"> <li>(a) Education Institutions (capital stock)</li> <li>(b) Sports infrastructure (including provision of Sports Stadia and Infrastructure for Academies for Training/Research in Sports and Sports-relating activities)</li> <li>(c) Hospitals (capital stock including Medical Colleges, Para Medical Training Institutes and Diagnostic Centres)</li> <li>(d) Tourism infrastructure viz. (i) three-star or higher category classified hotels located outside cities with population of more than one million; (ii) ropeways and cable cars</li> <li>(e) Common infrastructure for industrial parks and other parks with industrial activity such as food parks, textile parks, Special Economic Zones, tourism facilities and agriculture markets</li> <li>(f) Post-harvest storage infrastructure for agriculture and horticulture produce including cold storage</li> <li>(g) Terminal markets</li> <li>(h) Soil-testing laboratories</li> <li>(i) Cold chain (including cold room facility for farm level pre-cooling, for preservation or storage of agriculture and allied produce, marine products and meat)</li> </ul>

1	2	3
		(j) Affordable Housing (including a housing project using at least 50% of the Floor Area Ratio (FAR)/ Floor Space Index (FSI) for dwelling units with carpet area of not more than 60 square meters
		<i>Explanation.</i> —For the purposes of this sub-clause, the term “carpet area” shall have the same meaning as assigned to it in clause (k) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016). <sup>1</sup>

## THE NEGOTIABLE INSTRUMENTS (AMENDMENT) ACT, 2018

### An

### Act

*further to amend the Negotiable Instruments Act, 1881.*

Be it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows : -

	1. (1) This Act may be called the Negotiable Instruments (Amendment) Act, 2018.	Short title and commencement.
	(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.	
26 of 1881.	2. In the Negotiable Instruments Act, 1881 (hereinafter referred to as the principal Act), after section 143, the following section shall be inserted, namely:—	Insertion of new section 143 A.
2 of 1974.	“143A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Court trying an offence under section 138 may order the drawer of the cheque to pay interim compensation to the complainant— (a) in a summary trial or a summons case, where he pleads not guilty to the accusation made in the complaint; and (b) in any other case, upon framing of charge. (2) The interim compensation under sub-section (1) shall not exceed twenty per cent. of the amount of the cheque. (3) The interim compensation shall be paid within sixty days from the date of the order under sub-section (1), or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the drawer of the cheque. (4) If the drawer of the cheque is acquitted, the Court shall direct the complainant to repay to the drawer the amount of interim compensation, with interest at the bank rate as published by the Reserve Bank of India, prevalent at the beginning of the relevant financial year, within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the complainant.	Power to direct interim compensation.



	(5) The interim compensation payable under this section may be recovered as if it were a fine under section 421 of the Code of Criminal Procedure, 1973.	2 of 1974.
	(6) The amount of fine imposed under section 138 or the amount of compensation awarded under section 357 of the Code of Criminal Procedure, 1973, shall be reduced by the amount paid or recovered as interim compensation under this section.”.	2 of 1974.
Insertion of new section 148.	3. In the principal Act, after section 147, the following section shall be inserted, namely:—	
Power of Appellate Court to order payment pending appeal against conviction.	“148. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, in an appeal by the drawer against conviction under section 138, the Appellate Court may order the appellant to deposit such sum which shall be a minimum of twenty per cent. of the fine or compensation awarded by the trial Court:  Provided that the amount payable under this sub-section shall be in addition to any interim compensation paid by the appellant under section 143A.  (2) The amount referred to in sub-section (1) shall be deposited within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the appellant.  (3) The Appellate Court may direct the release of the amount deposited by the appellant to the complainant at any time during the pendency of the appeal:  Provided that if the appellant is acquitted, the Court shall direct the complainant to repay to the appellant the amount so released, with interest at the bank rate as published by the Reserve Bank of India, prevalent at the beginning of the relevant financial year, within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the complainant.”.	2 of 1974.

## THE REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) ACT, 2018

An

Act

*further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952.*

Be it enacted by Parliament in the Sixty-ninth Year of the Republic of the India as follows : -

	1. (1) This Act may be called the Requisitioning and Acquisition of Immovable Property (Amendment) Act, 2018.	Short title and commencement.
	(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.	
30 of 1952.	2. In the Requisitioning and Acquisition of Immovable Property Act, 1952, in section 7, after sub-section (1), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 14th March, 1952, namely:—	Amendment of section 7.
	“(1A) Notwithstanding any judgment or order by a court or any other authority, setting aside a notice under sub-section (1) on the ground that the owner or any other person who may be interested in the property was not given adequate opportunity to	



show cause or personal hearing, the Central Government may re-issue the notice to the owner or such other person interested in the property, for the purpose of giving opportunity of being heard:

Provided that where a notice is re-issued, the owner or such other person interested in the property shall be entitled to the same annual rate of interest, prevalent at any relevant time on the domestic fixed deposit offered by the State Bank of India, as defined under clause (g) of section 2 of the State Bank of India Act, 1955, on the compensation payable under this Act, from the date of publication of the first notice, till the final payment of the compensation under this Act:

23 of 1955.

Provided further that any enhanced compensation with or without interest awarded by the court or other authority, before the date of commencement of the Requisitioning and Acquisition of Immovable Property (Amendment) Act, 2018, shall be subject to the re-issuance of a notice under this sub-section and shall be applicable only to the cases of land being acquired for national security and defence purpose:

Provided also that in the cases, where the final award under this Act has been made and compensation thereof has been accepted by the owner or such other person interested in the property, before the commencement of the Requisitioning and Acquisition of the Immovable Property (Amendment) Act, 2018, shall not be reopened.”.

## THE CONSTITUTION (ONE HUNDRED AND SECOND AMENDMENT) ACT, 2018

An

Act

*further to amend the Constitution of India.*

Be it enacted by Parliament in the Sixty-ninth Year of the Republic of the India as follows:-

1. (1) This Act may be called the Constitution (One Hundred and Second Amendment) Act, 2018.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 338 of the Constitution, in clause (10), the words, brackets and figures "to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of article 340, by order specify and also" shall be omitted.

Amendment of  
article 338.

Insertion of  
new article  
338B.

National  
Commission  
for Backward  
Classes.

3. After article 338A of the Constitution, the following article shall be inserted, namely:—

“338B. (1) There shall be a Commission for the socially and educationally backward classes to be known as the National Commission for Backward Classes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.

(3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

(4) The Commission shall have the power to regulate its own procedure.

(5) It shall be the duty of the Commission—

(a) to investigate and monitor all matters relating to the safeguards provided for the socially and educationally backward classes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the socially and educationally backward classes;

(c) to participate and advise on the socio-economic development of the socially and educationally backward classes and to evaluate the progress of their development under the Union and any State;

(d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(e) to make in such reports the recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the socially and educationally backward classes; and

(f) to discharge such other functions in relation to the protection, welfare and development and advancement of the socially and educationally backward classes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

(6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the State Government which shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5),

have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses and documents;
- (f) any other matter which the President may, by rule, determine.

(9) The Union and every State Government shall consult the Commission on all major policy matters affecting the socially and educationally backward classes."

4. After article 342 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 342 A.

"342A. (1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the socially and educationally backward classes which shall for the purposes of this Constitution be deemed to be socially and educationally backward classes in relation to that State or Union territory, as the case may be.

Socially and educationally backward classes.

(2) Parliament may by law include in or exclude from the Central List of socially and educationally backward classes specified in a notification issued under clause (1) any socially and educationally backward class, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

5. In article 366 of the Constitution, after clause (26B), the following clause shall be inserted, namely:—

Amendment of article 366.

“(26C) "socially and educationally backward classes" means such backward classes as are so deemed under article 342A for the purposes of this Constitution;”.

**L. A. LYNDEN,**  
Under Secretary to the Govt. of Meghalaya,  
Law (B) Department.